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April 5, 2024

VIA ECF

Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: *Kitchen Winners NY Inc. v. Rock Fintek LLC*, Case No. 22-cv-05276-PAE
Letter Motion Requesting Oral Argument on Summary Judgment Motions
and for Clarification as to Page Limits

Dear Judge Engelmayer:

We write on behalf of Rock Fintek LLC pursuant to Paragraph 3.F of Your Honor's Individual Rules and Practices in Civil Cases to request oral argument in relation the Motions for Summary Judgment filed by JNS Capital Holdings, Inc., Joel Stern, Joseph Mendlowitz, Adorama, Inc. and Kitchen Winners NY Inc.

In addition, out of an abundance of caution, Rock Fintek seeks clarification regarding the length of Rock Fintek's Opposition to the three summary judgment motions (briefs totaling 65 pages). In their Reply, JNS and Stern assert that Rock Fintek's brief "far exceeds" permissible page limits and ask the Court to disregard portions of the Opposition. Rock Fintek understood from the colloquy with the Court at the December 20, 2023 conference, that the Court preferred a combined opposition to the three summary judgment motions and that Rock Fintek could seek an extension of page limits beyond those provided for by the rules *only if* it needed "more pages than the aggregate of the three briefs you're responding to" – i.e. more than 75 pages.¹ Since Rock Fintek's Opposition is 51-pages, Rock Fintek did not believe it needed to seek any extension.

Out of an abundance of caution and to the extent that Rock Fintek misunderstood the Court's instructions, Rock Fintek respectfully requests that the Court grant leave to file a combined 51-page Opposition to the three summary judgment motions. Rock Fintek also requests that oral argument be held on the pending summary judgment motions.

Respectfully submitted,

/s/*Phillip Rakhunov*
Phillip Rakhunov

cc: All counsel (via ECF)

The Court will reserve any decision on the motion for oral argument until after it has had sufficient time to review the summary judgment materials, the last of which were only recently submitted. Finding 51 pages a reasonable length in which to respond to three summary judgment motions, the Court accepts Rock Fintek's opposition brief as filed. Dkt. 149.

SO ORDERED.

PAUL A. ENGELMAYER
United States District Judge
Dated: April 8, 2024